

Message Text

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ACTION HA-05

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TO SECSTATE WASHDC 8765
INFO AMEMBASSY BONN
AMEMBASSY SANTIAGO
USMISSION GENEVA

C O N F I D E N T I A L SECTION 1 OF 2 USUN 5718

E.O. 11652: GDS
TAGS: PORG, SHUM, CI
SUBJECT: THE HUMAN RIGHTS SITUATION IN CHILE AND THE UN'S ROLE

REFS: (A) SANTIAGO 8880; (B) SANTIAGO 9032
(C) STATE 260145 (D) SANTIAGO 9571

1. SUMMARY. THE UN SECRETARIAT CONTINUES TO PONDER ITS NEXT STEPS IN FULFILLING ITS "GOOD OFFICES" MANDATE AND ITS RESPONSIBILITIES UNDER THE GA RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE. PRINCE AGA KHAN MAY BE ASKED TO GO TO CHILE AS A SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL. THE THREE CHILEAN WOMEN WHO HAVE BEEN RECENTLY DENIED REENTRY INTO CHILE APPEALED TO THE UN FOR HELP IN RETURNING TO CHILE. END SUMMARY.

2. THE THREE CHIEAN WOMEN RECENTLY DENIED REENTRY INTO CHILE BECAUSE OF THEIR ACTIVITIES IN THE UNITED STATES AND OTHER COUNTRIES CALLING ATTENTION TO THE LACK OF INFORMATION ABOUT THEIR HUSBANDS AND OTHER CHILEAN "DESAPARECIDOS" WERE RECEIVED BY ERIK SUY (GENERAL COUNSEL OF THE UN) AND WILLIAM BUFFUM (UNDERSECRETARY FOR GA AFFAIRS) ON DECEMBER 13.
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THEY EXPRESSED THEIR APPRECIATION TO THE UN FOR ITS ASSISTANCE AND INTEREST IN THE PROBLEM OF THE DESAPARECIDOS, AND DESCRIBED THEIR SITUATION AS THEY UNDERSTAND IT, AND THEIR HOPES AND DESIRES, AND THEY REQUESTED ASSISTANCE FROM THE UN SECRETARIAT IN CLARIFYING THE LIMITATIONS THAT WOULD BE IMPOSED ON THEM BY THE CHILEAN GOVERNMENT IF THEY RETURNED.

3. THE WOMEN SAY THAT THREE WRITS, "RECURSOS DE AMPARO," NUMBERS 625-77, 626-77, AND 628-77, WERE FILLED IN SANTIAGO ON NOVEMBER 25 AND ARGUED FOR THEM BY LAWYERS OF THE VICARIATE, ASKING FOR THE RIGHT TO REENTER CHILE. THEY SAY THESE APPEALS WERE REJECTED DECEMBER 13.

4. IN THEIR INTERVIEW WITH BUFFUM AND SUY THEY SAID THEIR ONLY DESIRE IS TO RETURN TO CHILE AND TO CONTINUE TO SEARCH FOR THEIR MISSING RELATIVES. THEY ASKED THE UN OFFICIALS TO SEEK INFORMATION FROM THE GOC AS TO WHY THEY WERE DENIED REENTRY SINCE, THEY CLAIM, THEY HAVE NOT ENGAGED IN ANY POLITICAL ACTIVITY EITHER IN OR OUT OF CHILE, BUT HAVE RESTRICTED THEMSELVES TO SEEKING INFORMATION ABOUT THE MISSING PERSONS. THEY ESPECIALLY ASKED THE UN OFFICIALS TO SEEK GUARANTEES THAT IF THEY RETURN THEY WOULD NOT BE ARRESTED, AND WOULD BE ABLE TO CONTINUE SEEKING THEIR MISSING PERSONS.

5. SUY TOLD THE WOMEN HE WOULD TAKE TO CHILEAN PERMREP DIEZ AND WOULD TRY TO HAVE AN ANSWER BEFORE CHRISTMAS. BUFFUM AND SUY AGREED THE WOMEN SHOULD NOT GO BACK TO CHILE UNTIL THERE HAS BEEN SOME CLARIFICATION OF THEIR STATUS, AND WERE WILLING TO TRY TO SEEK THAT CLARIFICATION AS A "GOOD OFFICES" FUNCTION OF THE UN. THE WOMEN DO NOT WANT ANY REPRESENTATION BY THE USG AT THIS TIME, CONFIDENTIAL

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PREFERRING THE MORE "NEUTRAL" UN.

6. THE VISAS OF TWO OF THE WOMEN (GONZALEZ AND ORTIZ) WILL EXPIRE DECEMBER 27, AND OTHER IN MARCH. THEY DO NOT WANT EXILE STATUS, OR POLITICAL ASYLUM, AS THEY FEEL THIS WOULD WEAKEN THEIR ATTEMPTS TO RETURN TO CHILE. MISSOFF WILL MAINTAIN CONTACT.

7. THE SIX-YEAR OLD SON OF GABRIELA BRAVO (LORCA), NOW IN WEST BERLIN, WILL SOON APPLY FOR A VISA TO JOIN HIS MOTHER IN NYC, IN HOPE HE CAN ACCOMPANY HER ON THEIR RETURN TO CHILE.

8. CHILEAN OPPOSITION SOURCES HERE SAY THAT THERE WERE FOUR ARRESTS FOR POLITICAL REASONS ON DECEMBER 9, AND FIVE CHILEANS SOUGHT POLITICAL EXILE IN THE VENEZUELAN EMBASSY DECEMBER 12, AND THAT THE GOV IS TRYING TO DET EXIT VISAS FOR THEM. THEY ALSO REPORT THAT A JOURNALIST NAMED CARMONA (WHO WORKED FOR PUNTO FINAL) WAS APPARENTLY KILLED BY THE POLICE SHORTLY AFTER BEING DETAINED ABOUT DECEMBER 6 OR 7.

9. COMMENT. CHILEAN EXILES ARE BEGINNING TO EMPHASIZE THE RETURN OF EXILES WITH GUARANTEES OF PROTECTION ALONG WITH THE DEMANDS FOR INFORMATION ABOUT THE DESAPARECIDOS AS PART OF THEIR PUBLIC CAMPAIGN. END COMMENT.

10. SUY TOLD MISOFF THAT ON DECEMBER 14 HE TRANSMITTED THE CONCERNS OF THE SYG ABOUT THE THREE WOMEN TO DIEZ ON BEHALF OF THE SYG. DIEZ INSISTED THAT THE FORM THE THREE WOMEN WERE ASKED TO SIGN IS A "USUAL PROCEDURE," AND THE DENIAL OF THEIR REENTRY HAD NOTHING TO DO WITH THEIR SEARCH FOR THEIR RELATIVES. SUY ASKED FOR A COPY BOTH OF THE GOC'S STATEMENT CONCERNING THE WOMEN AND THE FORM THEY APPARENTLY MUST SIGN TO BE READMITTED.

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11. SUY SAYS THE THREE WOMEN ARE AFRAID THAT SIGNING SUCH A DOCUMENT AS DEMANDED BY THE GOC WOULD INHIBIT THEM FROM CONTINUING THEIR SEARCH FOR THEIR RELATIVES, AND WOULD SET A PRECEDENT HARMFUL TO THE EFFORTS OF OTHER RELATIVES IN CHILE OF MISSING PERSONS BY DEFININF SUCH ACTIVITY AS "POLITICAL."

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 5718

12. DIEZ TOLD SUY THAT "MANY" EXILES HAD APPLIED FOR

READMISSION, AND THAT ABOUT 200 HAD BEEN ACCEPTED AND HAD RETURNED, AND ABOUT 150 HAD BEEN REJECTED. SUY SUGGESTED THAT THE PROVISIONS IN THE INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS (TO WHICH CHILE HAS ADHERED) ABOUT THE RIGHT TO RESIDE IN ONE'S OWN LAND MIGHT BE INVOKED IN THE UPCOMING HUMAN RIGHTS COMMISSION MEETING.

13. SUY MENTIONED THAT HE HAD FOLLOWED UP ON THE SUGGESTION MADE TO HIM BY THE US CHARGE IN SANTIAGO DURING SUY'S VISIT THERE (AND REPORTED IN REFTEL B, PARAS 7 AND 8), THAT F. ERMACORA OF AUSTRIA (A MEMBER OF THE AD HOC WORKING GROUP) BE DESIGNATED A SPECIAL REPRESENTATIVE OF THE SYG TO VISIT CHILE AND LOOK INTO THE PROBLEM OF THE MISSING PERSONS AND CONDITIONS FOR THE WORKING GROUP'S VISITING CHILE. IN SPITE OF THE FACT THAT BOTH THE GOC AND THE SYG FAVORED SUCH A PROPOSAL SUY REPORTS THAT VAN BOVEN WAS SKEPTICAL AND ALLANA COMPLETELY OPPOSED, BECAUSE IT WOULD 1) GIVE THE GOC A PRETEXT FOR NOT ADMITTING ANY MORE OF THE WORKING GROUP, AND 2) ESTABLISH A BAD PRECEDENT FOR FUTURE WORKING GROUPS. SUY SAID THAT BECAUSE OF THE OPPOSITION

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THE IDEA WAS DROPPED. EVEN HAD IT BEEN ACCEPTED SUY ARGUED, "I AM CONVINCED IT WOULD HAVE HAD NO RESULTS," BUT IT IS BEST TO TRY TO KEEP OPEN AS MUCH ROOM AS POSSIBLE FOR DIALOGUE.

14. SUY SAID THAT THE IDEA OF NAMING THE HIGH COMMISSIONER FOR REFUGEES, PRINCE SANRUDDIN AGA KHAN, (WHO WILL BE

LEAVING THAT POST JANUARY 1) AS "SPECIAL CONSULTANT TO THE SYG FOR HUMANITARIAN AFFAIRS," AND ASKING HIM TO GO TO SANTIAGO TO DISCUSS THE MISSING PERSONS, WAS UNDER DISCUSSION IN THE SECRETARIAT. HE DID NOT KNOW THE STATUS OF THE CONVERSATIONS BETWEEN THE PRINCE AND THE SYG.

15. SUY ALSO REPORTED THAT HE HAD HEARD THAT ALLANA WAS STEPPING DOWN SOON, BUT A TELEPHONE CALL BY HIM TO RAFFEE AHMED (EXECUTIVE ASSISTANT TO THE SYG) REVEALED THAT IT WAS THOUGHT THAT ALLANA WOULD STEP DOWN ONLY WHEN PAKISTAN CEASED TO BE A MEMBER OF THE HUMAN RIGHTS COMMISSION (OF WHICH THE AD HOC WORKING GROUP IS A CREATURE).

16. MISOFF SUGGESTED THAT WAYS OF MODIFYING THE AD HOC WORKING GROUP'S MANDATE, PERHAPS ENLARGING OR CHANGING ITS MEMBERSHIP (WHICH WILL BE VERY DIFFICULT, ESPECIALLY IN THE LIGHT OF THE WORDING OF THIS YEAR'S GA RESOLUTION WHICH CALLS FOR THE PRESENT MEMBERSHIP TO BE MAINTAINED),

AND OF GETTING THE AD HOC WORKING GROUP OR ITS EQUIVALENT INTO CHILE, OUGHT TO BE DISCUSSED INFORMALLY BETWEEN THE SECRETARIAT AND THE USG BEFORE THE HUMAN RIGHTS COMMISSION MEETING IN FEBRYARY-MARCH. SUY EAGERLY AGREED, AND OFFERED TO BE IN CONSULTATION WITH VAN BOVEN.

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17. COMMENT: AS FAR AS CAN BE SEEN HERE, EFFORTS TO ARRANGE A VISIT FOR ALL OR PART OF THE AD HOC WORKING GROUP ON THE SITUATION ON HUMAN RIGHTS IN CHILE ARE STALEMATED: GOC CONTINUES TO INSIST ON CONDITIONS THAT ARE UNACCEPTABLE TO THE WG. SINCE THE DAYS OF THE LARGE-SCALE AND GROSS VIOLATIONS OF INDIVIDUAL HUMAN RIGHTS IN CHILE SEEM TO HAVE LARGELY PASSED, CHILE NOW IS NO WORSE THAN DOZENS OF OTHER AUTHORITARIAN REGIMES (DEVELOPED AND DEVELOPING, OF THE LEFT AND OF THE RIGHT) WHERE THE SYSTEM OF INTIMIDATION HAS BEEN INTERNALIZED (A POINT FREQUENTLY AND FORCEFULLY MADE BY THE COMMITTEE III PORTUGUESE REP, SPEAKING OUT OF AN EXTENSIVE PERSONAL AND NATIONAL BACKGROUND). THUS, THERE IS A DIMINISHING INTEREST AMONG THE NON-ALIGNED MAJORITY IN THE UN IN THE WHOLE ISSUE OF CHILE. IT WAS ONCE USEFUL TO CERTAIN DELEGATIONS (CUBA, ESPECIALLY) AS A RALLYING POINT FOR NON-ALIGNED ANTI-AMERICANISM. WITH THE EVOLUTION OF US POLICY TOWARDS CHILE, THIS HAS BECOME SIGNIFICANTLY LESS A FRUITFUL FIELD FOR CULTIVATION. FOR THESE REASONS, THERE IS SIGNIFICANT SENTIMENT AT THE UN TO WIND DOWN THE CHILE CASE. THE UN MAJORITY AT THIS TIME IS NOT YET READY TO PROMOTE MEMOCRACY, AS IN THE UEG, AND THEREFORE VIEWS CONSIDERATION OF CHILE AS LESS USEFUL NOW THAN IT WAS IN THE EARLY STAGES IMMEDIATELY AFTER THE COUP. FOR ITS PART, THE WORKING GROUP ON CHILE APPEARS TO BE TIRED AND FRUSTRATED, AND WOULD ALSO LIKE A WAY OUT THAT WOULD SATISFY THE MANDATE AND LET IT APPEAR THAT THE UN HAS WON A VICTORY. WHAT IS NEEDED NOW IS A FACE-SAVING EXIT FOR THE UN THAT WOULD ALSO CONTRIBUTE TO THE IMPROVEMENT OF THE HUMAN RIGHTS SITUATION IN CHILE. THE SYG AND SECRETARIAT WOULD LIKE TO FACILITATE THE PROCESS, AND WOULD PROBABLY WORK IN CONCERT WITH OTHER PARTIES. ALLANA AND OTHER MEMBERS OF THE WG WOULD APPARENTLY LIKE NOTHING MORE THAN TO GO TO CHILE UPON THE INVITATION OF THE GOC, PUBLISH A FINAL REPORT NEXT YEAR REPORTING THAT THOUGH PROBLEMS REMAIN THERE HAS BEEN SUBSTANTIAL IMPROVEMENT, AND THEN RECOMMEND THAT THE WG'S MANDATE BE TERMINATED

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AND REPLACED BY SOME FORM OF LESS VIGOROUS OVERSIGHT OF THE
HUMAN RIGHTS SITUATION IN CHILE. END COMMENT.

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Message Attributes

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